

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:	§	
	§	
LACK'S STORES, INCORPORATED	§	CASE NO. 10-60149
<i>ET AL</i> , ¹	§	(Chapter 11)
	§	(Jointly Administered)
Debtors.	§	
	§	

**OBJECTION TO NOTICE OF SALE PROCEDURES, AUCTION DATE,
AND HEARING (REAL PROPERTY LEASE)**

TO THE HONORABLE JEFF BAUM, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Lack Brothers, Ltd. and files this its Objection to the Notice of Sale Procedures, Auction Date, and Hearing (Real Property Lease) (Docket No. 429) filed by Lack's Stores, Incorporated with respect to that certain lease of real property located at 3901 South Padre Island Drive, Corpus Christi, Texas 78415 (the "Corpus Christi Store") and as grounds therefore would respectfully show the Court as follows:

1. On or about January 18, 2011, Debtor issued a Notice of Sale Procedures, Auction Date, and Hearing (Real Property Lease) (the "Notice") in connection with the sale and assignment of a lease between the Debtor and Lack Brothers, Ltd. for the store located at 3901 South Padre Island Drive, Corpus Christi, Texas 78415 (the "Corpus Christi Lease").

2. In the Notice, the Debtor suggested that the cure amount necessary for the assignment of the Corpus Christi Lease was \$0. However, Lack Brothers, Ltd. asserts that as of the date of the filing of this objection, the actual cure amount is \$41,202.80. While Lack

¹The Debtors and the last four digits of their tax identification numbers are Lack's Stores, Incorporated (6528), Merchandise Acceptance Corporation (0972), Lack's Furniture Centers, Inc. (9468), and Lack Properties, Inc. (8961).

Brothers, Ltd. does not object to the assignment of the Corpus Christi Lease as provided in the Notice, it does object to any assignment without the payment of the appropriate cure amount, as described above, pursuant to 11 U.S.C. § 365(b)(1).

WHEREFORE, PREMISES CONSIDERED, Lack Brothers, Ltd. objects to the proposed assignment of the Corpus Christi Lease without payment of cure to it as required by law. Lack Brothers, Ltd. further requests such other and further relief as this Court may deem just and proper.

Respectfully submitted,

HOHMANN, TAUBE & SUMMERS, L.L.P.

By: /s/ Eric J. Taube
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ATTORNEY FOR LACK BROTHERS, LTD.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties listed below by the method specified and by electronic transmission on those parties receiving the Court's ECF e-mail notification on this 24th day of January, 2011.

Via Overnight Delivery

Lack Properties, Inc.
Attn: Melvin Lack
200 S. Ben Jordan
Victoria, TX 77901

Via Facsimile (214) 999-7787

Vinson & Elkins, LLP
Attn: Paul E. Heath
2001 Ross Avenue, Suite 3700
Dallas, TX 75201

Via Facsimile (631) 752-1231

DJM Realty Services, LLC
Attn: Jim Avallone
445 Broad Hollow Road, Suite 225
Melville, NY 11747

Via Facsimile (214) 758-1550

Patton Boggs, LLP
Attn: Robert W. Jones
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Platzer Swergold Karlin Levine Goldberg & Jaslow, LLP
Attn: Clifford Katz
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/s/ Eric J. Taube
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